

**ENVIRONMENTAL PROTECTION AGENCY**

**[EPA-HQ-OPP-2017-0119; FRL-9960-24]**

**Carbaryl and Methomyl Registration Review; Draft Biological Evaluations; Notice of Availability**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This notice announces the availability of EPA's draft biological evaluations for the registration review of carbaryl and methomyl and opens a public comment period on these documents.

**DATES:** Comments must be received on or before [*insert date 60 days after date of publication in the Federal Register*].

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2017-0119, by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

• *Hand Delivery*: To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at <http://www.epa.gov/dockets/contacts.html>.

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at <http://www.epa.gov/dockets>.

**FOR FURTHER INFORMATION CONTACT:** *For pesticide specific information contact:* The Chemical Review Manager for the pesticide of interest identified in Table 1.

**Table 1. Registration review contacts for carbaryl and methomyl.**

Registration Review Case Name and Number	Pesticide Docket ID Number	Chemical Review Manager, Telephone Number, Email Address
Carbaryl, 080	EPA-HQ-OPP-2010-0230	Linsey Walsh, 703-347-8030, <a href="mailto:walsh.linsey@epa.gov">walsh.linsey@epa.gov</a>
Methomyl, 028	EPA-HQ-OPP-2010-0751	Matthew Manupella, 703-347-0411, <a href="mailto:manupella.matthew@epa.gov">manupella.matthew@epa.gov</a>

*For general questions on the registration review program, contact:* Richard Dumas, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-8015; email address: [dumas.richard@epa.gov](mailto:dumas.richard@epa.gov).

## **SUPPLEMENTARY INFORMATION:**

### **I. General Information**

*A. Does this Action Apply to Me?*

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, farm worker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides and/or the potential impacts of pesticide use on listed species and designated critical habitat. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the Chemical Review Managers listed under **FOR FURTHER INFORMATION CONTACT**.

*B. What Should I Consider as I Prepare My Comments for EPA?*

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at <http://www.epa.gov/dockets/comments.html>.

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

## **II. Background**

Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, the pesticide can perform its intended function without unreasonable adverse effects on human health or the environment. As part of the registration review process, the Agency has completed comprehensive draft biological evaluations for all carbaryl and methomyl uses. These draft biological evaluations represent the first ever nationwide assessments of all uses of these pesticides to federally endangered and threatened species (*i.e.*, listed species) and designated critical habitat. After reviewing comments received during the public comment period, EPA will issue final biological evaluations, explain any changes, respond to comments, and may request public input on risk mitigation before completing proposed registration review decisions for carbaryl and methomyl. For those species and designated critical habitats where registered uses of the pesticides are "likely to adversely affect" species and/or habitat, U.S. Fish and Wildlife Service (USFWS) and the National

Marine Fisheries Service (NMFS), hereafter referred to as “the Services,” have agreed to utilize the analyses and data from the biological evaluations in their final Biological Opinions for carbaryl and methomyl.

### **III. Authority**

EPA is conducting its registration review of carbaryl and methomyl pursuant to section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Procedural Regulations for Registration Review at 40 CFR part 155, subpart C. Section 3(g) of FIFRA provides, among other things, that the registrations of pesticides are to be reviewed every 15 years. Under FIFRA, a pesticide product may be registered or remain registered only if it meets the statutory standard for registration given in FIFRA section 3(c)(5) (7 U.S.C. 136a(c)(5)). When used in accordance with widespread and commonly recognized practice, the pesticide product must perform its intended function without unreasonable adverse effects on the environment; that is, without any unreasonable risk to man or the environment, or without presenting a human dietary risk from residues that result from the use of a pesticide in or on food that is inconsistent with the safety standard under section 408 (21 U.S.C. 346a) of the Federal Food, Drug and Cosmetic Act.

EPA develops endangered species biological evaluations and consults with the Services pursuant to section 7(a)(2) of the Endangered Species Act (ESA), 16 U.S.C. 1531 *et seq.*, and the implementing regulations at 50 CFR Part 402.

### **IV. Registration Reviews**

As directed by FIFRA section 3(g), EPA is reviewing the pesticide registrations for carbaryl and methomyl to ensure that these registrations continue to satisfy the FIFRA

standard for registration—that is, that carbaryl and methomyl can still be used without unreasonable adverse effects. Furthermore, EPA is meeting its obligation under Section 7 of the Endangered Species Act (ESA) by ensuring that each pesticide’s registration is not likely to jeopardize the continued existence of any listed species or result in the adverse modification of designated critical habitat.

EPA has been collaborating with the Services to develop interim scientific approaches to assess the impact of pesticides on listed species and designated critical habitat, as required by ESA and as recommended by the April 2013 National Academy of Sciences (NAS) report. The interim scientific methods used in these draft biological evaluations were developed collaboratively with the Services, based on recommendations from the April 2013 NAS report titled “Assessing Risks to Endangered and Threatened Species from Pesticides”. As part of this effort, the U.S. Department of Agriculture (USDA) has provided expertise on crop production and pesticide uses and assistance with the use of the National Agricultural Statistics Service Cropland Data Layer to help define the footprint of agricultural use patterns. The interim scientific approaches used in the draft biological evaluations for carbaryl and methomyl will be refined based on the public comments received on the draft biological evaluations as well as from feedback from periodic stakeholder workshops. More information on this process is available at <https://www.epa.gov/endangered-species/implementing-nas-report-recommendations-ecological-risk-assessment-endangered-and>.

The file sizes of the draft biological evaluations for carbaryl and methomyl exceed the docket system’s file size limitation, therefore these documents will not be posted to the carbaryl and methomyl chemical dockets in *www.regulations.gov*. Instead,

the draft biological evaluations are posted on EPA's endangered species webpage (see web links provided in Table 2). Commenters are instructed to post comments to each chemical's registration review docket in *www.regulations.gov*, as indicated below.

**Table 2. Carbaryl and Methomyl Registration Review Dockets and Links to the Draft Biological Evaluations for Carbaryl and Methomyl**

Registration Review Case Name and Number	Pesticide Docket ID Number	Link to the draft biological evaluations
Carbaryl, 080	EPA-HQ-OPP-2010-0230	<a href="https://www.epa.gov/endangered-species/biological-evaluation-chapters-carbaryl">https://www.epa.gov/endangered-species/biological-evaluation-chapters-carbaryl</a>
Methomyl, 028	EPA-HQ-OPP-2010-0751	<a href="https://www.epa.gov/endangered-species/biological-evaluation-chapters-methomyl">https://www.epa.gov/endangered-species/biological-evaluation-chapters-methomyl</a>

Carbaryl is an insecticide registered for use in agriculture, residential, and occupational settings to control pests on a number of food crops, ornamentals, home gardens, and turf. Carbaryl is not registered for indoor residential uses. Carbaryl is also registered for use in wide-area pest control and public health programs, such as the USDA Animal and Plant Health Inspection Service (APHIS) Mormon Cricket and Rangeland Grasshopper Suppression Program. EPA has completed a draft biological evaluation to assess whether all registered uses of carbaryl may affect listed species and designated critical habitat.

Methomyl is an insecticide currently registered for use on field, vegetable, and orchard crops as well as on turf (sod farms only). Methomyl is generally a restricted-use pesticide and there are no homeowner uses. However, certain low-percentage active ingredient formulations not designated as restricted-use can be used around livestock

quarters, commercial premises, and refuse containers. EPA has completed a draft biological evaluation to assess whether all registered uses of methomyl may affect listed species and designated critical habitat.

Pursuant to 40 CFR 155.53(c), EPA is providing an opportunity, through this notice of availability, for interested parties to provide comments and input concerning the Agency's draft biological evaluations for carbaryl and methomyl. Such comments could address, among other things, the Agency's risk assessment methodologies and assumptions, as applied to these draft biological evaluations. After reviewing comments received during the public comment period, EPA will issue final biological evaluations, respond to comments, and may request public input on risk mitigation before completing proposed registration review decisions for carbaryl and methomyl. For those species and designated critical habitats where registered uses of the pesticides are "likely to adversely affect" species and/or habitat, the Services have agreed to utilize the analyses and data from the biological evaluations in their final Biological Opinions for carbaryl and methomyl.

1. *Other related information.* Additional information on endangered species risk assessment and the NAS report recommendations are available at <https://www.epa.gov/endangered-species/implementing-nas-report-recommendations-ecological-risk-assessment-endangered-and>. Information on the Agency's registration review program and its implementing regulation is available at <https://www.epa.gov/pesticide-reevaluation>.

2. *Information submission requirements.* Anyone may submit data or information in response to this document. To be considered during a pesticide's



registration review, the submitted data or information must meet the following requirements:

- To ensure that EPA will consider data or information submitted, interested persons must submit the data or information during the comment period. The Agency may, at its discretion, consider data or information submitted at a later date.
- The data or information submitted must be presented in a legible and useable form. For example, an English translation must accompany any material that is not in English and a written transcript must accompany any information submitted as an audiographic or videographic record. Written material may be submitted in paper or electronic form.
- Submitters must clearly identify the source of any submitted data or information.
- Submitters may request the Agency to reconsider data or information that the Agency rejected in a previous review. However, submitters must explain why they believe the Agency should reconsider the data or information in the pesticide's registration review.

As provided in 40 CFR 155.58, the registration review docket for each pesticide case will remain publicly accessible through the duration of the registration review process; that is, until all actions required in the final decision on the registration review case have been completed.

**Authority:** 7 U.S.C. 136 *et seq.*

Dated: \_\_\_\_\_

\_\_\_\_\_

Yu-Ting Guilaran,

*Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.*